

**REMARKS / ARGUMENTS**

Claims 2, 4, 6 and 8 remain pending in this application. No claims have been canceled or added.

**35 U.S.C. § 103**

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al (JP 56-24506) in view of Cassetta et al (U.S. Patent No. 5,780,091) and in further view of Nelson et al (U.S. Patent No. 6,083,545). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and in further view of Rouse et al (U.S. Patent No. 3,012,697). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and Rouse et al and in further view of Poon (U.S. Patent No. 3,489,105). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and Rouse et al and in further view of Nelson et al. These rejections are traversed as follows.

It is noted that claim 2 and 4 have been amended to rearrange elements and for purposes of clarification and that the scope of those claims has not been changed.

Independent claim 2 is directed to:

A process for making filled snacks as dried by non-oil-frying comprising the steps of:

- (a) kneading a wheat flour mixture to prepare dough;
- (b) rolling said dough to prepare a dough sheet;
- (c) steaming said rolled dough sheet and cutting a plurality of sections of a specified size and a specified shape from said steamed dough sheet;
- (d) placing a dried filling on each of said sections;
- (e) joining the opposite edges of each of said sections so that said filling is enclosed in each said section to prepare a wrapped dumpling, wherein in said step (e), the opposite edges of each of said sections are thermally compressed together so that they are joined; and
- (f) drying said wrapped dumpling by means other than oil frying.

Since, in step (e), the opposite edges of each of the sections are firmly compressed together so that they are joined, the filled snack, just prior to eating, can be rehydrated by being placed in boiling water as it remains sealed for a sufficiently long period. Furthermore, there the inconvenience of the filling coming out of the wrapper rarely occurs. The filled snack thus has a better appearance and is more attractive to customers. These advantages cannot be realized if the wrapper is sealed by simply compressing the opposite edges without heating them (see specification, page 12, lines 13-21).

None of the cited references disclose or suggest these features of the presently claimed invention. As acknowledged by the Examiner in item 10 on page 5 of the Office Action, neither Kato et al nor Cassetta et al disclose that the opposite ends of each of the dough sections are thermally compressed together so that they are joined. The Examiner's relies upon Nelson for curing this deficiency. Applicants respectfully disagree.

Nelson et al disclose a ravioli seam sealer that relieves the stress on an upper pasta layer 20 created when a pasta pillow 12 is formed according to the prior art. In order to accomplish this, stress is relieved by providing a pair of pillow forming rolls 80, 82 which form individual pasta pillows 84 but which have a slight depression in the lower pasta layer to relieve the stress in the upper pasta layer when it is stretched to encompass a filling (see column 2, line 58 to column 3, line 3). Nelson et al disclose that hot air jets 100, 102 can deliver heated air to the pasta to "dry the surfaces of the pasta layers that contact the pillow forming rolls to reduce the propensity of the pasta to stick to the pillow forming rolls" (see column 4, lines 33-38). As a result, there is no thermal compression as presently claimed.

On the other hand, in the presently claimed invention, during the step of joining opposite edges of each of the sections of a dough sheet so that the filling is enclosed in each section, the opposite edges of each of these sections are thermally compressed together so that they are joined. As a result, the filled snack can be rehydrated using boiling water while remaining sealed.

Independent claim 4 is directed to:

A process for making filled snacks as dried by non-oil-frying comprising the steps of:

- (a) kneading a wheat flour mixture to prepare dough;
- (b) rolling said dough to prepare a broad dough sheet;
- (c) steaming said rolled broad dough sheet;
- (d) transporting said broad dough sheet, wherein in said step (d), a powder is applied to the surface of a conveying belt for transporting said broad dough sheet in an amount ranging from  $0.0014 \text{ g/cm}^2$  to  $0.0222 \text{ g/cm}^2$ ;
- (e) slitting the broad dough sheet, as it has been transported, into

- specified widths to prepare a plurality of dough strips of narrower width;
- (f) cutting a plurality of sections of a specified size and a specified shape from said plurality of dough strips of narrower width;
  - (g) placing a dried filling on each of said sections;
  - (h) joining the opposite edges of each of said sections so that said filling is enclosed in each said section to prepare a wrapped dumpling; and
  - (i) drying said wrapped dumpling by means other than oil frying.

In particular, in step (d), a powder is applied to the surface of a conveying belt for transporting the broad dough sheet in an amount ranging from  $0.0014 \text{ g/cm}^2$  to  $0.0222 \text{ g/cm}^2$ . By doing this, the dough sheet is prevented from sticking to the surface of the conveyor belt and thereby preventing a drop in efficiency of subsequent operations. Dusting the surface of the dough sheet with a powder is generally not preferred since the residual powder will dissolve out of the finally filled snack as it is eaten, possibly impairing its taste. However, if the powder dusting is within the range set forth above, the powder does not stick to the dough sheet and remain on its surface (see specification, page 9, line 13 to page 10, line 21).

As acknowledged by the Examiner, neither Kato et al nor Cassetta et al disclose dusting the dough in the amount claimed. The Examiner relies upon Rouse et al for curing this deficiency. Applicants respectfully disagree.

Rouse et al disclose that a particled material such as flour, sugar, cinnamon, or the like, can be applied to a dough-carrying conveyor belt so as to prevent the dough from sticking to the belt. Rouse et al also disclose that the ability of the operator to vary the rate of application of the flour enhances the versatility of the

device for use with those of different character and with the speeds of movement of the conveyor belt.

However, one of ordinary skill in the art would not think to dust with a powder on the belt in the amount ranging from 0.0014 g/cm<sup>2</sup> to 0.0222 g/cm<sup>2</sup> based on the teaching of Rouse et al. The reason is that the particled material such as flour, sugar, cinnamon, and the like, are usually used and applied in wholesale bakeries. As such, the residual amount of the particle matter is not critical even if the particle matter applied on the surface of the conveyor belt sticks to the dough and remains on its surface.

The deficiencies in Kato et al, Cassetta et al and Rouse et al are not overcome by resort to Poon. Poon discloses the use of cornstarch and the film dough is dusted with the cornstarch on both sides. Cornstarch is not used or applied in wholesale bakeries and thus, it does not make sense to use cornstarch instead of flour, sugar, cinnamon, or the like, as in Rouse et al. Nevertheless, the combination of Kato et al, Cassetta et al, Nelson et al and Poon is applied against dependent claim 6 which is nevertheless patentable based upon the asserted patentability of independent claim 4.

Finally, since Kato et al has not been previously discussed herein in detail, the following is provided for the sake of completeness. In Kato et al, after applying an aqueous emulsion containing water, fats, oils and an emulsifier on the surface of a wrapping of dough to coat with 2.7 to 18 % by weight of water, 0.2 to 5 % by weight

of fats and oils, and 0.003 to 1.15% by weight of emulsifier and steaming the wrapping of dough, the fillings are positioned at the center of the wrapping of dough and enclosed in a steamed section by softly pressing several portions of the opposite edges of the section to form a seal.

In this regard, claim 2 does not use any aqueous emulsion at all and the opposite edges of each of the sections are thermally compressed together in order to be joined. Kato et al is silent with respect to these points. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

## Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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